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PART IV-A

**Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts**

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 21st August, 2021

CONSUMER PROTECTION ACT, 2019

No.GTH/2021/16/CPA/102020/455869/D:— In exercise of the powers conferred by sub-section (2) of section 102 of the Consumer Protection Act, 2019 (35 of 2019) and in supersession of all the rules made in this behalf under the Consumer Protection Act, 1986 (68 of 1986), the Government of Gujarat hereby makes the following rules, namely -

1. Short title and commencement. —

- 1) These rules may be called the Gujarat Consumer Protection (salary, allowances and conditions of service of President and Members of the State Commission and District Commission) Rules, 2021.
- 2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions. —

- 1) In these rules, unless the context otherwise requires, —
 - (a) 'Act' means the Consumer Protection Act, 2019 (35 of 2019);
 - (b) 'Commission' means the District Commission or the State Commission, as the case may be;
 - (c) 'Member' means a Member of the District Commission or the State Commission, as the case may be;
 - (d) 'President' means the President of the State Commission or the District Commission, as the case may be;
- 2) The words and expressions used in these rules but not defined and defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Salaries and allowances of the President and Member of the District Commission. -

- (1) The President shall be entitled to the salary and allowances as are admissible to a District Judge in the super time scale of pay.
- (2) A Member shall receive a pay equal to the pay at the minimum of the scale of pay of a Deputy Secretary of the State Government and other allowances as admissible to such officer.

- (3) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.
- (4) There shall be an annual upward revision of the pay of the President and members at the rate of 3%.
- (5) The Salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the State Government.

4. Salaries and allowances of the President and Member of the State Commission. -

- (1) The President shall be entitled to the salary and allowances as are admissible to a sitting judge of the High Court of Gujarat.
- (2) A Member shall receive a pay equal to the pay at the minimum of the scale of pay of an Additional Secretary of the State Government and other allowances as are admissible to such officer.
- (3) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.
- (4) There shall be an annual upward revision of the pay of the member at the rate of 3%.
- (5) The salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the State Government.

5. Other terms and conditions of service of the President and Member of the State Commission and District Commission. -

- (1) **Medical fitness.** — No person shall be appointed as President or Member unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (2) **Casual vacancy.** — In case of a casual vacancy in the office of President in the State Commission or District Commission, as the case may be, the **State Government** shall have the power to appoint the senior most Member to officiate as President
- (3) **Leave and medical treatment and hospital facilities.** — The President and members of the State Commission and the District Commission shall be entitled to leave, Leave Travel Concession, medical treatment and hospital facilities as per the provisions applicable to admissible to the equivalent Class of the State Government.
- (4) **Declaration of Financial and other Interests.** — The President or member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

(5) Other conditions of service. —

- (a) The terms and conditions of service of the President or member with respect to which no express provision has been made in these rules, shall be such as are admissible to the equivalent Class of the State Government.
- (b) The President or member shall not practice before the National Commission, the State Commission or the District Commission after retirement from the service of the State Commission or District Commission, as the case may be.
- (c) The President or member shall not undertake any arbitration work while functioning in his capacity in the State Commission or District Commission, as the case may be.
- (d) The President or member of the State Commission or District Commission, as the case may be, shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the State Commission or District Commission:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

- (6) The terms and conditions of the service of the President and the members of the District Commission and the State Commission shall not be varied to their disadvantage during their tenure of office.
- (7) The working days and the office hours of the District Commission and the State Commission shall be the same as that of the State Government.

6. Oaths of office and secrecy. — Every person appointed to be the President or member shall, before entering upon his office, make and subscribe an oath of office in Form I and oath of secrecy in Form II annexed to these rules.

FORM - 1

(See Rule 6)

Form of Oath of Office for the President and Member of the State Commission and District Commission

I, A. B., having been appointed as the President/ Member in the State Consumer Disputes Redressal Commission,/ District Consumer Disputes Redressal Commission, do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/Member of the State Commission/ District Commission to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

FORM - 2

(See Rule 6)

Form of Oath of Secrecy for the President and Member of the State Commission and District Commission

I, A. B., having been appointed as the President/Member of the State Consumer Disputes Redressal Commission, / District Consumer Disputes Redressal Commission,do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President/Member of the State Commission/ District Commission except as may be required for the due discharge of my duties as the President/Member.

By order and in the name of Governor of Gujarat,

PANKAJ PANCHAL,
Deputy Secretary to Government.

